

## Frequently Asked Questions

### *Am I covered by this rule?*

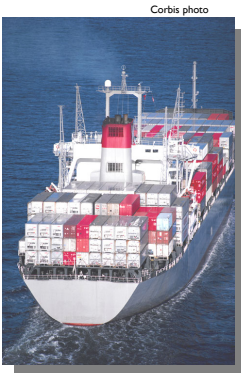
Yes, you are covered if you own or operate a US- or foreign-flag vessel meeting the applicability requirements of 33 Code of Federal Regulations (CFR) 104.105. Generally, these include vessels that:

- handle explosives, liquefied natural or hazardous gas, or other Certain Dangerous Cargoes (CDC)
- transfer oil or hazardous materials
- are covered by Chapter XI of the International Convention for the Safety of Life at Sea (SOLAS)
- carry more than 150 passengers on a domestic voyage
- carry any passengers on an international voyage
- carry more than 12 passengers to or from any Canadian ports on the Great Lakes
- handle cargo and are greater than 100 gross register tons
- are barges carrying cargoes regulated by 46 CFR chapter I, subchapter D, subchapter O, subchapter I, or CDCs

### *What action must I take if I am covered by the rule?*

You have to conduct a Vessel Security Assessment and submit a Vessel Security Plan (VSP) to the Coast Guard for approval. Existing vessels need to submit a VSP by December 31, 2003.

Your vessel must comply with the rule's other security requirements, including the implementation of the security measures listed in your approved VSP, by July 1, 2004.





### Small Entity Compliance Guide

If you have questions on this rule, contact:

**The Maritime Security Help Desk**

Phone: 202.366.9991

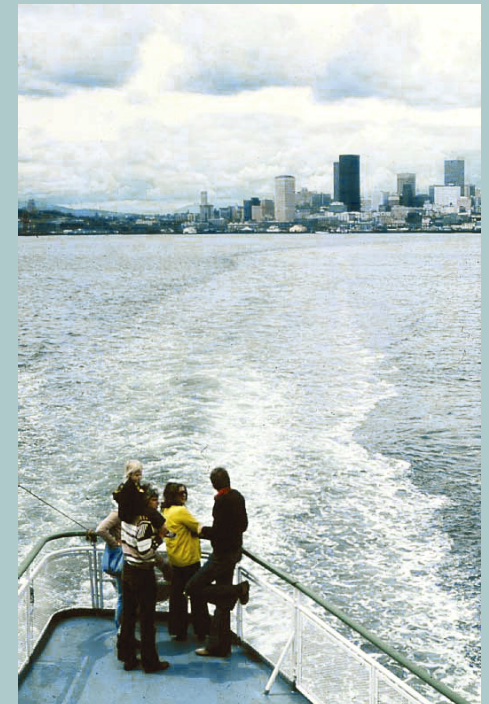
Email: [uscgregs@comdt.uscg.mil](mailto:uscgregs@comdt.uscg.mil)

**On the front cover:** Photo courtesy of the Washington State Ferries.



## Small Entity Compliance Guide

# Vessel Security Rule



## 33 CFR Part 104

United States Coast Guard

## The Basics

The Coast Guard has developed rules that require owners and operators of certain vessels to conduct vessel security assessments, develop written Vessel Security Plans (VSPs), and implement the security measures listed in their plan. Owners and operators must also name Company and Vessel Security Officers. These rules are part of **international efforts** to increase the security of maritime transportation.

The vessel security rule is issued under the Maritime Transportation Security Act of 2002 (MTSA). It is part of a comprehensive framework for the security of vessels, ports, and facilities located on or adjacent to U.S. waters. Other MTSA rules cover **port security**, **maritime facilities**, **certain offshore platforms**, and **Automatic Identification Systems (AIS)** for vessels.

A temporary interim rule on vessel security took effect on **July 1, 2003**. A final rule, which takes the place of the temporary interim rule, becomes effective on **November 25, 2003**. This Compliance Guide, issued under the Small Business Regulatory Enforcement Act of 1996, provides a plain-language overview of the final rule, but **you should refer to the final rule directly for details**.

### *Are there alternatives to the rule for small businesses?*

Yes, there are provisions in the rules for Alternative Security Programs, equivalencies, and waivers. Contact your local Coast Guard Captain of the Port (COTP) or the contact person listed in this brochure for details.

### *What specific security measures must be used on my vessel?*

Your VSP must state how you will implement security measures to ensure your vessel's physical, passenger, cargo, and personnel security. The rules set goals in each of these areas, but they are flexible and performance-based. In other words, you decide, with the Coast Guard's approval, which methods work best for your particular vessel.

### *Do I have to coordinate with facilities or with other vessels?*

Other vessels and facilities will also have to comply with these or similar rules. Vessels and facilities will have to agree on a form called a Declaration of Security, especially at higher Maritime Security (MARSEC) Levels and for vessels carrying CDCs. The Declaration of Security assigns responsibility for all security measures.



### *I operate a foreign-flag vessel. How do I comply?*

If your vessel is covered by SOLAS, the Coast Guard will accept an International

Ship Security Certificate (ISSC) issued by your foreign-flag administration. If you have a non-SOLAS vessel, you may submit your VSP to the Coast Guard for approval, or apply to your flag state for an ISSC.

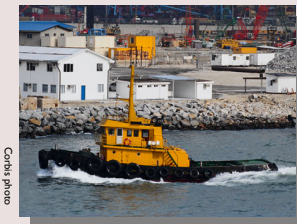
### *How will security measures change based on the threat level?*

Your approved VSP must include security measures that increase with the threat of a transportation security incident. The Coast Guard's MARSEC Level increases with the threat level. It also relates to the Department of Homeland Security's Homeland Security Advisory System (HSAS) Levels as pictured. The Vessel Security Officer named in your VSP is responsible for implementing these measures.

HSAS / MARSEC Relationship	
HSAS Blue, Green & Yellow	MARSEC Level 1
HSAS Orange	MARSEC Level 2
HSAS Red	MARSEC Level 3

## How to Find This Rule

The official vessel security rule appears in the Code of Federal Regulations (CFR), in part 104 of title 33 after November 25, 2003. The CFR is available through your local library or on the web at [www.gpo.gov/ecfr](http://www.gpo.gov/ecfr).



To view a copy of the vessel security rule, you may also visit the Coast Guard's port security website, [www.uscg.mil/hq/g-m/mp/index.htm](http://www.uscg.mil/hq/g-m/mp/index.htm).

For additional details on the rulemaking record, including the final rule and regulatory analysis, you can visit the website [dms.dot.gov](http://dms.dot.gov). The docket number for this rule is USCG-2003-14749.